

SUBCHAPTER 2
DEPARTMENTAL HOLIDAY AND
OVERTIME REGULATIONS

350-10. Overtime of Certain City Development Employees. Effective November 8, 1992, the commissioner of city development is authorized to pay in cash for all overtime worked by maintenance and custodial employees in the department of city development housing management division within the certified collective bargaining unit represented by District Council 48, AFSCME, AFL-CIO, as provided in the Memorandum of Understanding between the City of Milwaukee Negotiating Team and Milwaukee District Council 48, AFSCME, AFL-CIO.

350-11. Department of Administration. Whenever it becomes necessary in the judgement of the director of the department of administration, the director may employ information and technology management division and business operations division - procurement services section employees within the certified collective bargaining unit represented by District Council 48, AFSCME, AFL-CIO for overtime assignments and compensate them with cash payments or compensatory time off.

350-12. Election Commission. 1. The board of election commissioners may employ election commission staff for cash payment of overtime to such extent as budget allocations permit. Such overtime cash payments shall be limited to service rendered by permanent staff members on election days, while making official recounts, or during such days and hours that city temporary neighborhood voters registration offices are open, and during special registration hours which may be required of permanent staff members at the office of the board of election commissioners in the city hall on Saturday mornings, not to exceed 17 Saturday mornings in number in even numbered years, when neighborhood registration offices are not open.

2. The board of election commissioners may, at their discretion, authorize cash payment for the overtime balance of temporary employees receiving an indefinite layoff. This cash payment shall be made in a lump sum and included in the pay check for the past pay period prior to the layoff.

350-13. Overtime of Certain City Clerk Employees. Whenever it becomes necessary in the judgement of the city clerk, the city clerk may employ employees holding the positions of production technician, production assistant and television production specialist II for overtime assignments and compensate them with cash payments or compensatory time off.

350-14. Fire Department. 1. FIREFIGHTING DIVISION. a. Eligibility for Overtime Benefits. Employees in the following position classifications shall be eligible for the overtime benefits provided in par. b, subject to the terms and conditions described therein and to the terms and conditions described in sub. 5:

- a-1. Firefighter.
- a-2. Motor pump operator.
- a-3. Fire lieutenant.
- a-4. Fire captain.
- b. Definition of Compensation of

Overtime Benefits. b-1. Emergency Recall Pay.

b-1-a. Employees who are recalled to duty from off-duty status because of an emergency situation shall be compensated in cash at the rate of time and one-half computed on the basis of the hourly rate of pay for their average work week in effect as established under s. 350-143.

b-1-b. Such pay will be provided beginning at the time the employee reports for duty and ending at the time the employee is released from duty and only while the employee is performing recall assignments.

b-1-c. A minimum of 3 hours overtime pay shall be guaranteed for each such occasion of emergency recall.

b-2. Emergency Overtime.

b-2-a. Employees who are required to remain on duty at the scene of an alarm after the end of their regular work shift as established by the chief engineer, fire, in accordance with s. 350-143, shall be compensated in cash at the rate of time and one-half computed on the basis of the hourly rate of pay for their average work week in effect as established under s. 350-143.

b-2-b. Such pay shall be granted for each actual hour or nearest 0.1 of an hour spent on duty beginning at the normal shift change time and ending at the time the employee is released from duty.

b-3. Standby Compensation.

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b-3-a. Employees who are required to remain in a station after the end of their regular work shift, due to a greater alarm, shall be compensated in cash at a rate of time and one-half computed on the basis of the hourly rate of pay for their average work week in effect as established under s. 350-143.

b-3-b. Such pay shall be granted for each actual hour or nearest 0.1 of an hour spent on standby duty, beginning at the normal shift change time and ending at the time the employee is released from duty.

b-4. Special Overtime for Paramedic Unit Personnel. b-4-a. Employees assigned to paramedic units who are required to attend continuing education conferences at the county paramedic training center, hereinafter referred to as education conferences, in accordance with the contract for paramedic services between the city and Milwaukee county during their off-duty hours shall be compensated in cash at a straight-time rate computed on the basis of the hourly rate of pay for their average work week in effect, as established under s. 350-143.

b-4-b. Such pay shall be granted for each actual hour or nearest 0.1 of an hour spent at the education conference beginning at the time the employee reports to the education conference and ending at the time the education conference ends.

b-5. Court Overtime. b-5-a. Employees required to appear in court on authorized fire department business during their off-duty hours shall be compensated in cash at a straight-time rate computed on the basis of the employees' hourly rate of pay for their average work week in effect as established under s. 350-143-2.

b-5-b. Such pay shall be granted for each actual hour or nearest 0.1 of an hour spent in court beginning at the time the employee appears in court and ending at the time the employee is released by the court.

b-5-c. Employees compensated for a court appearance under this subdivision shall be required to turn over to the city any witness fees received for such appearance and make no subsequent claim for them whatsoever.

2. FIRE BOAT EMPLOYEES.

a. Eligibility. Employees in the following position classifications shall be eligible for the overtime benefits provided in par. b, subject to the terms and conditions described therein and to the terms and conditions described in sub. 5:

a-1. Fireboat pilot.

a-2. Marine engineer.

b. Compensation. b-1. Overtime.

b-1-a. When the number of employees available for duty in either the fireboat pilot or marine engineer classification is reduced to 2 employees, the city, at its option, may require employees in the classifications so reduced to operate on a 2-platoon basis, with employees serving on-duty for one 24-hour shift and off-duty for one 24-hour shift. Compensation for all hours worked on this basis by employees in excess of their normal hours of work shall be paid in cash or compensatory time off at a straight-time rate (1X) computed on the basis of the hourly rate of pay for the average work week in effect as established under s. 350-143-2. If the city does not elect to operate on this basis, then the provisions of subd. 1 shall apply.

b-1-b. When the number of employees available for duty in either the fireboat pilot or marine engineer classification is reduced to 2 employees and the city does not elect to operate on a 2-platoon basis as provided for under subpar. a, the city, at its option, may recall employees to duty from off-duty status. Compensation for all hours worked by such recalled employees shall be paid in cash or compensatory time off at a straight-time rate (1X) computed on the basis of the hourly rate of pay for the average work week in effect as established under s. 350-143-2. Such compensation shall be provided only for time worked during the period of recall the employee would have been off-duty except for such

recall beginning at the time the employee reports for duty and ending at the time the employee is released from duty.

b-1-c. The city shall have the exclusive right to determine the number of employees in either classification, if any, assigned to the fireboat and nothing herein shall require the city to operate on a 2-platoon basis in the event of a reduction in the number of employees in either fireboat pilot or marine engineer classifications; maintain an on-duty staffing level in either classification; or guarantee any compensation provided by this section to employees in either classification.

b-1-d. All overtime shall be at the option of the chief engineer, fire, and shall be paid in cash or compensatory time off at the sole discretion of the chief engineer, fire. The scheduling of time off resulting from compensation earned under the provisions of this section that is paid in compensatory time off shall be at the sole discretion of the chief engineer, fire.

b-1-e. Application of the provisions contained in this subdivision shall not involve pyramiding of overtime, and the compensation provided in this subdivision shall be in lieu of any other compensation provided by this section.

b-2. Emergency Recall Pay. b-2-a. Fireboat pilots and marine engineers who are recalled to duty during off-duty hours because of a greater alarm or other emergencies shall be compensated for hours worked during such time they would be off duty except for such recall at a rate of time and one-half in cash or compensatory time off computed on the basis of the hourly rate of pay for their average workweek in effect as established under s. 350-143-2.

b-2-b. Such pay will be provided only while performing such emergency recall assignments, beginning at the time the employee reports for duty and ending at the time said employee is released from duty.

b-2-c. A minimum of 3 hours recall pay shall be guaranteed for each such occasion of emergency recall.

b-2-d. All emergency recall pay shall be at the option of the chief engineer, fire, and shall be paid in cash or compensatory time off at the sole discretion of the chief engineer, fire. The scheduling of time off resulting from compensation earned under this section shall be at the sole discretion of the chief engineer, fire.

b-3. Emergency Overtime. b-3-a. Fireboat pilots and marine engineers who are required to remain on duty at the scene of an alarm beyond their regularly scheduled work shift shall be compensated for hours worked during such time they would be off duty except for such requirement to remain on duty at time and one-half in cash or compensatory time off computed on the basis of the hourly rate of pay for their average workweek in effect as established under s. 350-143-2.

b-3-b. Such pay shall be granted for each actual hour or nearest 0.1 of an hour spent on such duty, beginning at the end of the employee's scheduled tour of duty and ending at the time said employee is released from duty.

b-3-c. All emergency overtime shall be at the option of the chief engineer, fire, and shall be paid in cash or compensatory time off at the sole discretion of the chief engineer, fire. The scheduling of time off resulting from compensation earned under this section that is paid in compensatory time off shall be at the sole discretion of the chief engineer, fire.

b-4. Nonemergency Overtime. For nonemergency off-duty assignments, employees shall be granted equivalent time off.

b-5. Standby Compensation. b-5-a. Fireboat pilots and marine engineers who are required to remain in a station after the end of their regularly scheduled tour of duty due to a greater alarm shall be compensated for hours worked during such time they would be off-duty except for such requirement to remain on duty at a rate of time and one-half in cash or compensatory time off computed on the basis of the hourly rate of pay for their average workweek in effect as established under s. 350-143-2.

b-5-b. Such pay shall be granted for each actual hour or nearest 0.1 of an hour spent on standby duty, beginning at the end of the employee's scheduled tour of duty and ending at the time said employee is released from duty.

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b-5-c. All standby compensation shall be at the option of the chief engineer, fire, and shall be paid in cash or compensatory time off at the sole discretion of the chief engineer, fire. The scheduling of time off resulting from compensation earned under this section that is paid in compensatory time off shall be at the sole discretion of the chief engineer, fire.

c. Effective Date. The provisions of this subsection shall cover work performed on or after January 1, 1982.

3. BUREAU OF FIRE COMMUNICATIONS. a. Eligibility. Employees in the following position classifications shall be eligible for the overtime benefits provided in par. b, subject to the terms and conditions described therein and to the terms and conditions described in sub. 5: a-1. Assistant chief dispatcher of fire alarm and telegraph.

a-2. Fire alarm dispatcher.

b. Definition and Compensation of Overtime Benefits. b-1. Overtime. b-1-a. Employees shall be compensated at a straight time rate (1X) in cash for all time worked authorized by the chief engineer, fire, in excess of their normal hours of work, such normal hours of work being as established under s. 350-143-3.

b-1-b. Employees shall be required to work such authorized overtime when so ordered by the chief engineer, fire.

b-2. Nonemergency Overtime. For non-emergency off-duty assignments, employees shall be granted equivalent time off.

4. CIVILIAN MEMBERS. Overtime benefits for civilian members of the fire department shall be as set forth and provided elsewhere in the code.

5. ADMINISTRATION. a. The chief engineer of the fire department shall determine which personnel and under what circumstances such personnel shall be required to work overtime established by this section.

b. Application of the provisions enumerated herein shall not involve pyramiding of the compensation described herein.

c. Any payments made under this section shall not have any sum deducted for pension benefits, nor shall such payments be included in the determination of pension benefits or other fringe benefits.

d. Employees shall be eligible for overtime benefits under the terms and conditions set forth herein for work performed on or after August 19, 1979.

350-14.2. Fire Equipment Mechanics. **1.** The chief engineer, fire, is authorized to pay employees in fire equipment I and fire equipment II classification overtime in cash at a rate of one and one-half times the employee's base salary rate for hours of work in excess of 40 hours, within a period of 168 consecutive hours, attributable to watch time and emergencies, such watch time, emergencies, and 168 consecutive-hour period to be determined by the chief engineer, fire, except that:

a. That portion of an 8-hour period during a 24-hour watch time period designated for sleeping by the chief engineer, fire, in which the employee does not work shall not be included in computation of overtime benefits, provided the employee receives at least 5 hours sleep during such 8-hour sleep period; and

b. That portion of one-hour periods during a 24-hour watch time period designated for meals by the chief engineer, fire, in which the employee does not work shall not be included in the computation of overtime benefits.

2. Any payments made under this section shall not have any sum deducted for pension benefits nor shall such payments be included in any computation establishing pension benefits or payments or any other fringe benefits or payments.

3. Application of the provisions enumerated herein shall not involve pyramiding of the compensation described herein.

350-15. Harbor Commission. **1.** TO EXPEDITE LOADING. The board of harbor commissioners may employ foremen, mechanics and laborers for cash payment of overtime when this is necessary to expedite the loading and unloading of boats and railway cars in order to effect economy in operation or to avoid demurrage charges either to the city, the shipper or the receiver of goods, or to meet the general emergencies and conditions which arise in port operations.

2. RATE OF PAY. The hourly wage on which the above overtime is based is to be computed by dividing the biweekly rate by 80, and the overtime rate is to be computed by multiplying the hourly rate by 1.56.

3. EMERGENCY HELP. The board of harbor commissioners is authorized to employ for emergency operations clerical employees in the operating division allocated to pay ranges 400 through 465 in s. 5 of salary Ord. 228, File #67-1161, et al, passed Nov. 20, 1973, under the conditions enumerated herein. The board of harbor commissioners is authorized to employ such clerical employees for cash payment of overtime. Such overtime, however, shall be authorized only to those employees who are performing services which are an integral part of the overall services performed by other persons who are employed in the field operations during such emergency periods.

350-16. Health Department. **1. NURSES, ASSISTANTS, ETC. AT CLINICS.** Whenever it becomes necessary, in the judgment of the commissioner of health, he may employ health department nurses, clinic assistants, and clerks in immunization clinics for overtime assignments, and such overtime assignments may be paid in cash at the rate of time and one-half. The commissioner of health is authorized to control the assignments of overtime in a manner which, in his judgment, will promote the public health of the community and render more efficient service at city immunization clinics.

2. NURSES, ETC., IN THE DIVISION OF FAMILY AND COMMUNITY SERVICES. Wherever it becomes necessary, in the judgment of the commissioner of health, he may employ clinic assistants I, licensed practical nurses, graduate nurses I, junior public health nurses, public health nurses I, and public health nurses II in the division of family and community services for cash payment of overtime at the rate of time and one-half for each hour of overtime worked. The commissioner of health is authorized to control the assignment of overtime in a manner which, in his judgment, will promote the public health of the community and render more efficient service.

3. SANITARIANS. Whenever a slaughterhouse or meat packing plant wishes to conduct slaughtering or meat packing for a period of more than 8 hours on any of the days Monday to Friday, inclusive, or on Saturday, the commissioner of health may assign overtime inspection duties and hours to sanitarians employed by the health department to perform such work for cash payment of overtime.

350-17. Public Library Employees. Whenever it becomes necessary in the judgment of the board of trustees of the Milwaukee public library, the library staff may be employed for overtime as defined in s. 350-3 with payments in the form of cash or compensatory time off at the discretion of the board of trustees. All such overtime payments shall be made in conformity with the limitations as to pay ranges covered and other limitations provided in the general provisions covering such overtime payments.

350-17.5. Municipal Court. The chief administrator-municipal court is authorized to make cash payments for overtime worked by clerical employees and municipal court clerks.

350-18. Comptroller. Whenever it becomes necessary in the judgment of the comptroller, employees of the comptroller within the certified collective bargaining unit represented by District Council 48, AFSCME, AFL-CIO may be employed for overtime assignments and be compensated with cash payments or compensatory time off.

350-19. Certain Police Department Employees. Whenever it becomes necessary in the judgment of the chief of police, the chief may employ police department employees within the certified collective bargaining unit represented by the Association of Law Enforcement Allied Services Personnel (ALEASP), Local 21, IUPA, AFL-CIO or employees in the building and grounds division, within the certified bargaining unit, represented by District Council 48, AFSCME, AFL-CIO, for necessary overtime assignments. Compensation for such assignments shall be in cash or compensatory time off at the discretion of the chief of police at the rate of time and one-half.

350-20. Department of Public Works.

1. BRIDGE OPERATORS. Notwithstanding the provisions of ss. 350-2 and 350-3, bridge operators and boat operators in the infrastructure services division in the service of the city shall receive 10 days off in lieu of pay or time off for work on holidays. Such days shall be granted with pay during the nonnavigable season at the rate of time and one-half. Holiday allowance shall be granted at the rate of 7/8 of a day per month at time and one-half for all service less than one calendar year.

350-20-2 Employee Regulations And Benefits

2. OVERTIME OF CERTAIN PUBLIC WORKS EMPLOYEES. Whenever it becomes necessary because of the extreme shortage of personnel or in other declared emergencies, the commissioner of public works may assign the following employees of the department of public works for cash payment of overtime work.

<u>Title</u>	<u>Grade</u>
a. Control Center Operator	
b. Delineator	I,II
c. Drafting Technician	I,II,IV,V
d. Electrical Drafting Technician	
e. Engineering Drafting Technician	I,II,IV
f. Engineering Technician	I,II
g. Instrument Technician	I,II
h. Instrument Technician Trainee	
i. Landscape Supervisor	I
j. Operating Engineer	II
k. Positions assigned to the laboratory at Linnwood Avenue filtration plant in the water department	
L. Property Records Drafting Technician	I,II,IV,V
m. Public Works Inspectors	I,II
o. Street Construction Technician	
q. Street Repair Supervisor	I
r. Testing Laboratory Assistant	I,II
s. Testing Laboratory Chemist	I,II
t. Testing Laboratory Specialist in the infrastructure services division	
u. Water Construction Coordinator	

2.5. OVERTIME LIMITATIONS FOR CERTAIN PUBLIC WORKS MANAGEMENT EMPLOYEES. Employees holding the classification of street inspection supervisor or street repair supervisor II shall be eligible for compensation either in cash or compensatory time off for overtime hours worked only when directly supervising crews.

3. CERTAIN EMPLOYEES IN THE CERTIFIED BARGAINING UNIT OF TECHNICIANS, ENGINEERS AND ARCHITECTS. Whenever it becomes necessary, in the judgment of the department head or a properly authorized management representative, he may employ the following classes of employees in the certified bargaining unit of the technicians, engineers and architects

of Milwaukee listed below for overtime assignments; and such overtime assignments will be paid in cash at the rate of time and one-half the employee's regular rate:

<u>Title</u>	<u>Grade</u>
a. Engineering Technician	IV,V,VI
b. Architectural Designers	I,II
c. Architects	III,IV
d. Civil engineers	I,II,III,IV
e. Electrical engineers	I,II,III
f. Mechanical engineers	I,II,III
g. Traffic control engineers	I,II,III
h. Specifications engineers	I,II
i. Assistant chief estimator	

4. SNOW EMERGENCY REMOVAL, OVERTIME EXEMPTIONS. Where the impassable conditions of city streets due to heavy snowfalls renders it necessary to employ men for more than 8 hours per day and more than 40 hours per week for snowplowing, snow shoveling and snow removal work or any special work that may be caused by an emergency, and upon departmental order shall be so and to issue payrolls for such time; provided, however, that this grant of authority shall be used only at times of extreme necessity where it is impossible to obtain a sufficient number of city employees to perform the work, and that departments be instructed to work out plans to workmen in shifts so as to reduce the amount of working time in excess of 40 hours per week to the lowest possible minimum; and provided further, that said time in excess of 40 hours per week be compensated at one and 1/2 times the regular rate of pay and, provided further, that it shall not be necessary to take time off for such time. Certification that time in excess of 40 hours per week is necessary, on account of a heavy snowfall or any special work that may be caused by an emergency, and upon department order shall be made upon forms prescribed by the comptroller which shall be attached to all copies of the payroll together with such other information as the comptroller or director of employee relations may require. The determination as to what shall constitute an emergency or extreme necessity shall lie and be vested exclusively in the commissioner of public works.

5. WATER DEPARTMENT; VITAL SERVICES; DEPARTMENT OF PUBLIC WORKS.

a. **Vital Services.** The commissioner of public works is authorized to employ all rotating shift workers at the filtration plants and pumping stations of the water department in excess of a prearranged schedule and authorize the payment of salary or wages to them at the rate of time and one-half for such work. A prearranged schedule may constitute more or less than a 40 hour week. When because of working conditions and emergencies, changes must be made in the posted shift schedule at least 24 hours notice prior to the time employees are regularly scheduled to begin work, and not later than the quitting time of the last regular shift preceding scheduled changes shall be given. Lack of adequate notice in accordance with this provision shall constitute an overtime assignment and shall be compensated for at the rate of time and one-half. When work conditions permit, the department may allow overtime to be taken off as compensatory time off at the rate of time and one-half. In lieu of the prior notice provisions, the first shift day of each relief assignment, except the regular scheduled day shift, by regular day workers shall be considered an overtime assignment and shall be compensated at the rate of time and one-half. Time and one-half shall be paid to rotating shift workers as defined in s. 350-2 for holidays that occur in a week where 40 hours are scheduled to be worked and the regular day workers work 32 hours due to the holiday. Rotating shift workers when assigned to shop shift in the pumping stations and filtration plants shall be paid time and one-half over 40 hours even though the 40 hours include relief assignments for which time and one-half is also paid. Time and one-half shall not be paid for sick days.

b. **Emergency Service.** The commissioner of public works is authorized to employ such city operating and maintenance workers in the trades and labor classification as are necessary and whose compensation is determined under monthly pay ranges 205 to 260 in s. 3, pay ranges 310 to 360 in s. 4, pay ranges 500 to 530 in s. 6, pay ranges 704 to 710 in s. 11, pay ranges 720 to 732 in s. 12, and pay ranges 740 to 744 in s. 13, and pay ranges 101 through 105 in s. 2 of salary Ord. 228, File #73-1161, et al, passed Nov. 20, 1973, for cash payments of overtime in emergencies declared by him to necessitate the use of such workers.

c. **Emergency Clerical Help.** The commissioner of public works is authorized to employ for emergency operations clerical employees allocated to pay ranges 310 to 340 in s. 4, pay ranges 410 to 445 in s. 5, and pay ranges 500 to 505 in s. 6 of the salary ordinance. The commissioner is authorized to employ such clerical employees for cash payment of overtime. Such overtime, however, shall be authorized only if those employees are performing services which are an integral part of the overall services performed by other persons who are employed in the field operations during emergency periods. Cash payment of overtime shall also be authorized for such clerical employees for inventory assignments involving the combined services of laborers and clerical employees when recommended by the commissioner of public works. Cash payment of overtime shall also be authorized for such clerical employees for the payroll preparation and retroactive wage adjustments arising out of labor contract settlements when recommended by the commissioner of public works.

d. **After Straight Time.** The prescribed pay for overtime work shall not apply until all unexcused hours in any calendar day or week shall have been worked for on a straight-time basis, or before any hours previously lost at any time by reason of inclement weather or causes beyond the control of the employee have been made up by working hours in excess of the regular working hours, on a basis of time and one-half hours credit for each hour of work lost. The hourly wage on which the above overtime is based is to be computed by dividing the biweekly rate by 80, and the overtime rate is to be computed by multiplying this hourly rate by 1.56, except that employees represented by Public Employees' Union #61, LIUNA, AFL-CIO, CLC, shall be paid at the overtime rate computed by multiplying this hourly rate by 1.5, effective March 12, 1995; and employees represented by Local 195, IBEW, AFL-CIO shall be paid at the overtime rate computed by multiplying this hourly rate by 1.5, effective May 21, 1995.

e. **Authority.** No overtime work shall be permitted unless the necessity for such work has been reported to the commissioner of public works and he has consented thereto.

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350-22. Assessor's Office. Whenever it becomes necessary in the judgement of the commissioner of assessments, employees in the assessor's office within the certified collective bargaining unit represented by District Council 48, AFSCME, AFL-CIO may be employed for overtime assignments and be compensated with cash payments or compensatory time off.

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